IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

MFA.No. 10 of 2002

OPMV.267/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
.....

APPELLANT/PETITIONER:

SHEEJA, D/O.SHEELA, AGED 13 YEARS(MINOR)
REP. BY HER MOTHER SHEELA, PALLIPPATH
HOUSE, NARIKUNDU P.O., ANAPARA VIA,
AMBALAVAYAAL, SULTHAN BATHERY.

BY ADV. SRI.LLOYD JOSEPH VIVERA
SRI.C.A.CHACKO

RESPONDENTS/RESPONDENTS:

1. P.P.JOSE,S/O.POULOSE,PANAKKAL HOUSE,
VADUVANCHAL,THOMATTUCHAL AMSOM,
AMBALAVAYAL, SULTHAN BATHERY.

2. NEW INDIA ASSURANCE COMPANY LTD.,
KALPETTA.

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 10 of 2002

JUDGMENT

Koshy, J.

The appellant, at the age of 6 years, while walking through the road along with her mother, met with an accident, by which she sustained injuries. She approached through her mother as guardian the Motor Accidents Claims Tribunal, Wayanad for compensation. The application was dismissed, as for the very same accident another application was filed as O.P.(MV)No.558/94 and it was already dismissed on 22.4.1996. It is submitted that the petitioner or the guardian did not authorise any Advocate for filing such an application. We have perused the vakalath filed in the earlier case and it is seen that the mother of the minor signed after writing her name as Sheela in both the petitions. Handwritings and signatures are the same. However, the injuries shown are laceration,

scratches and pain all over the body. We see no ground to interfere in the order. If the earlier petition is dismissed for default, it is for the petitioner to file an application for restoration of the petition.

The appeal is, therefore, dismissed.

(J.B.Koshy, Judge)

31st May, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.10 of 2002

JUDGMENT

31st May, 2007